

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 2365 – HB 2094

March 11, 2014

SUMMARY OF ORIGINAL BILL: Broadens the definition of “eligible petitioner” for purposes of having criminal records expunged under Tenn. Code Ann. § 40-32-101 to include convictions for drug fraud under Tenn. Code Ann. § 53-11-402(a)(3) for which a sentence of imprisonment was three years or less.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Revenue – \$500/TBI

\$1,200/District Attorneys Expunction Fund

\$100/Public Defenders Expunction Fund

\$1,300/General Fund

Increase Local Revenue – \$100/Court Clerks

SUMMARY OF AMENDMENT (012813): Deletes all language after the enacting clause. Broadens the definition of “eligible petitioner” for purposes of having criminal records expunged under Tenn. Code Ann. § 40-32-101 to include convictions for drug fraud under Tenn. Code Ann. § 53-11-402(a)(3) committed after November 1, 1989 for which the sentence of imprisonment was four years or less and for which 10 years have elapsed since completion of the sentence.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Under Tenn. Code Ann. § 40-32-101(g)(10), the \$350.00 fee one pays for having records expunged is distributed as follows:
 - \$10.00 to the court clerk collecting the fee;
 - \$50.00 to the Tennessee Bureau of Investigation (TBI);
 - The remainder (\$290.00) is distributed:
 - 5 percent (\$14.50) to the public defenders expunction fund;

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- 45 percent (\$130.50) to the district attorneys expunction fund; and
 - 50 percent (\$145.00) to the general fund.
- According to statistics from the Administrative Office of the Courts, there have been an average of 723.4 convictions per year under Tenn. Code Ann. § 53-11-402 for the past five years. It is assumed that five percent ($723.4 \times .05 = 36.17$) were convictions under (a)(3) for drug fraud. It is further assumed that 25 percent ($36.17 \times .25 = 9.04$) of those convicted will have their records expunged.
- The proposed legislation will increase state revenue as follows:
 - TBI – $\$50 \times 9 = \450 ;
 - Public Defenders Expunction Fund – $\$14.50 \times 9 = \130.50 ;
 - District Attorneys Expunction Fund – $\$130.50 \times 9 = \$1,174.50$; and
 - General Fund – $\$145 \times 9 = \$1,305$.
- The total increase in state revenue is \$3,060 ($\$450 + \$130.50 + \$1,174.50 + \$1,305$).
- The proposed legislation will result in an increase in local revenue in an amount equal to \$90 ($\10×9).

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

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